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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,137	01/07/2004	Jae-Kyu Yoo	P/ 923-376	4441
2352	7590	03/09/2006	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			PATEL, ASHOK	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,137

Applicant(s)

YOO, JAE-KYU

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 120205.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: See Continuation Sheet.

Continuation of Attachment(s) 6). Other: English translation copy of Japanese document 2003-022787 issued to Atsushi et al, dated 01/2003 .

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1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, as recited in claim 15, *different shape and volume of the three filling spaces* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-10, 12-15 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Atsushi et al (JP document 2003-022787).

As to claims 1, 12 and 17, Atsushi et al disclose applicant's claimed multi type electrodeless lamp (Figures 1-7) including: a bulb portion (6a) as a transparent material in which filling spaces (5a and 5b) are formed therein, a stem portion (4, 4a, 4b) formed on the exterior of the bulb portion so as to have a certain length, and gas-fills respectively injected into the filling spaces in order to generate plasma by electromagnetic energy.

As to claim 2, as shown in Figure 5a, Atsushi et al disclose filling spaces arranged so as to face each other on the basis of the stem portion as a reference axis.

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As to claim 3, as shown in Figure 5a, Atsushi et al disclose a plane shaped wall for partitioning the filling space.

As to claims 4 and 5, as shown in Figure 5a, Atsushi et al disclose the two filling spaces have the same volume and shape.

As to claim 6, as shown in Figure 5a, Atsushi et al disclose the two filling spaces arranged in the axis direction on the basis of the stem portion as a reference axis.

As to claims 7 and 8, as shown in Figure 5a, Atsushi et al disclose the two filling spaces have the same volume and shape.

As to claim 9, as shown in Figure 5a, Atsushi et al disclose the bulb portion having a globular shape.

As to claim 10, as shown in Figures 6d and 7b, Atsushi et al disclose the bulb portion having a non-globular shape.

As to claims 12 and 13, Atsushi et al disclose the bulb portion having two filling spaces (Figure 6 a, 6b, 6d) or three filling spaces (Figures 6c, 7d).

As to claim 14, Atsushi et al disclose the three filling spaces (Figure 6c) having same shape and volume.

As to claim 15, Atsushi et al disclose the three filling spaces (Figures 6c, 7d) having different shape and volume.

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 16 and 18 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Atsushi et al, as applied to claims 1, 12 and 17.

As to claims 11, 16 and 18, Atsushi et al disclose (see Detailed Description, page 5 of 8, paragraph 0039, which includes statement: "...when gas is mutually different..."), different composition of the gas-fill respectively injected into the filling space from other.

If applicant disagrees with the Examiner's position with respect to the 35 U.S.C. 102(a) rejection OF claims 11, 16 and 18, then following 35 U.S.C. 103(a) rejection applies.

Alternatively, it would have been obvious to one of ordinary skill in the art to select different fill compositions of Atsushi et al's lamp for emitting light emission in different desired colors. It is already known to those skilled in the art

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of electrodeless lamp art that different fill compositions emit different light emission (colors).


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson et al and Proud et al each are cited for showing a general structure of an electrodeless lamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ashok Patel
Primary Examiner
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